

**REMARKS**

In the Office Action, the Examiner rejected Claims 1-6, 7, 8, 9, 12, 23-27 and 30 over the prior art, principally U.S. Patent 5,590,778 (Dutchik), and rejected Claims 3, 9, 17 and 25 under 35 U.S.C. §112 as being indefinite. The Examiner objected to Claims 13-16, 18, 19, 21 and 31-34 as being dependent upon rejected base claims and indicated that these claims would be allowable if appropriately rewritten. Claims 10, 11, 10, 28 and 29 were withdrawn as being drawn to a non-elected species.

With respect to the rejections of the claims over the prior art, Claims 1-5 were rejected under 35 U.S.C. §102 as being fully anticipated by Dutchik, and the other rejected claims were rejected under 35 U.S.C. §103 as being unpatentable over the prior art, including Dutchik. In particular, Claims 6 and 8 were rejected as being unpatentable over Dutchik in view of U.S. Patent 5,354,282 (Bierman), and Claims 6 and 7 were rejected as being unpatentable over Dutchik in view of Official Notice. Claims 9 and 12 were rejected as being unpatentable over Dutchik in view of U.S. Patent 5,230,424 (Alpern) and/or U.S. Patent 5,353,322 (Sinn) and/or U.S. Design Patent 376,652 (Hunt, et al.). Claims 23-27 were rejected as being unpatentable over Dutchik in view of the prior art discussed in this application, and Claims 27 and 30 were rejected as being unpatentable over the prior art applied to Claim 23 and further in view of Alpern, et al.

In order to improve the form and readability of the claims, independent Claims 1 and 23 are being amended. Also, Claims 3, 17 and 25 are being amended to address the rejection of these claims under 35 U.S.C. §112.

More specifically, with respect to the rejection of the claims under 35 U.S.C. §112, Claims 3 and 25 are being amended to change "carrier/fiber optic coil assembly" to "carrier and fiber optic

coil.” The preamble and subparagraph (b) of Claim 1 provide the appropriate antecedent basis for the use of these terms in Claim 3, and the preamble and subparagraph (a) of Claim 23 provide the appropriate antecedent basis for the use of these terms in Claim 25. Also, in Claim 17, “top of” is being deleted from the phrase “on top of the plateau surfaces.”

In addition, in Claim 13, line 3, “the top” is being changed to “a top,” and Claim 22 is being amended, as the Examiner suggested, to be dependent from Claim 21.

The rejection of Claim 9 under 35 U.S.C. §112, however, is respectfully traversed. In rejecting the claim, the Examiner argued that each of the retainers does not retain a single coil loop but only a portion of the single coil loop. Applicants respectfully note that while each retainer may directly, physically contact only a portion of a loop, that physical contact secures the entire loop in place. Accordingly, it is believed that the description given in Claim 9 is accurate.

Applicants believe that, in view of the above comments and the above-discussed changes, Claims 3, 9, 17 and 25 are clear and definite and fully comply with the requirements of 35 U.S.C. §112. The Examiner is, thus, requested to reconsider and to withdraw the rejection of Claims 3, 9, 17 and 25 under 35 U.S.C. §112, as well as the objections raised in the Office Action to Claims 13 and 22.

With regard to the rejections of Claims 1-9, 12, 23-27 and 30 over the prior art, Applicants note that there are a number of important, general differences between the present invention and the packaging apparatus disclosed in Dutchik. In particular, the present invention provides a package for a fiber optic cable, while the package disclosed in Dutchik is not used for this same purpose. In addition, the present invention specifically addresses two issues -- providing a sterilizable package for a fiber optic cable, and providing such a package which allows discrete sections of the cable to be

removed one at a time. Dutchik, in contrast, addresses the issue of providing a sterilizable package, but is not specifically directed to the latter issue.

These general differences between the present invention and Dutchik are reflected in a number of more specific differences. For example, with the present invention, the packaging tray defines a series of parallel recesses, and in use, a respective one loop of the fiber optic coil is releasably held in each of these recesses. Dutchik does not disclose this, or an analogous, arrangement.

This feature of the invention is of significant utility because it enables the invention to achieve two, somewhat conflicting objectives. On the one hand, during shipment and storage, the entire fiber optic cable is securely held in the package. On the other hand, during a surgical procedure, selected portions of the cable can be removed from the package, one portion at a time, while the rest of the cable remains securely held in the package.

It is noted that the use of recesses for holding an item is, of course, known *per se*. However, a significant feature of this invention is not, simply, the use of recesses, but the use of such recesses to securely but releasably hold individual loops of a coiled fiber optic cable. It is this feature that allows the invention to achieve the above-discussed combination of objectives in one package.

The other references of record have been reviewed, and they are believed to be no more pertinent than Dutchik. Specifically, these other references, whether they are considered individually or in combination, do not teach the use of the above-discussed parallel recesses to hold releasably each of a plurality of loops of a fiber optic cable.

Independent Claims 1 and 23 are herein being amended to more clearly describe this aspect of the invention. In particular, claim 1 recites the feature that the coil carrier includes a plurality of

retainers that define a series of parallel recesses, and that each of these retainers holds a respective one of the coil loops in the recess defined by the retainer. Claim 1 further describes that the coil carrier engages the fiber optic cable at a series of locations along the coil such that a selected coil loop of the cable can be removed from the carrier while remaining loops of the cable remain secured to the carrier.

Claim 23 is being amended to indicate that the carrier includes a plurality of retainers that define a series of parallel recesses, and that each of these retainers holds a respective one of the coil loops in the recess defined by the retainer. Claim 23 describes the additional feature that a selected loop of the coil can be removed from the carrier while remaining loops of the coil remain secured to the carrier.

Because of the above-discussed differences between Claims 1 and 23 and the prior art, and because of the advantages associated with those differences, these claims patentably distinguish over the prior art and are allowable. Claims 2-9, 13-19, 21 and 22 are dependent from Claim 1 and are allowable therewith. Similarly, Claims 24-27 and 30-34 are dependent from, and are allowable with, Claim 23. Accordingly, the Examiner is respectfully asked to reconsider and to withdraw the rejections of Claims 1-9, 12, 23-27 and 30 under 35 U.S.C. §§102 and 103, to reconsider and to withdraw the objections to Claims 13-19, 21 and 31-34, and to allow Claims 1-9, 12-19, 21-27 and 30-34.

For the reasons advanced above, the Examiner is asked to reconsider and to withdraw the objections to Claims 13 and 22, and the rejection of Claims 3, 9, 17 and 25 under 35 U.S.C. §112. The Examiner is also requested to reconsider and to withdraw the rejections of Claims 1-9, 12, 23-27 and 30 under 35 U.S.C. §§102 and 103, to reconsider and to withdraw the objections to Claims 13-

19, 21 and 31-34, and to allow Claims 1-9, 12-19, 21-27 and 30-34. If the Examiner believes that a telephone conference with Applicants' Attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully Submitted,

*John S. Sensny*  
John S. Sensny  
Registration No. 28,757  
Attorney for Applicants

SCULLY, SCOTT, MURPHY & PRESSER  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343

JSS:jj